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JUN 29 2004

In re Application of
Killen
Application No. 09/681,691
Filed: May 22, 2001
For: FIBRE-CHANNEL ARBITRATED-LOOP SPLIT LOOP OPERATION
Attorney Docket No: ERLG.P-020
Pub. No.: US 2002/0044562 A1
Pub. Date: April 18, 2002

OFFICE OF PETITIONS

This is a decision to on the request for corrected patent application publication under 37 CFR 1.221(b), filed on June 23, 2004 for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication omits the last three full paragraphs of the application and half of the preceding paragraph, which were initially filed.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on June 23, 2004, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

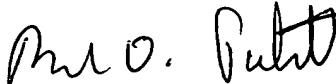
Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 703-872-9306

The application is being forwarded to Technology Center 2600 to await further examination in due course.

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy